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REMARKS/ARGUMENTS

The Office Action dated March 14, 2008 has been reviewed and carefully considered. Claims 1, 8-9, 11-15 and 17-26 are pending. Reconsideration of the above-identified application in light of the remarks is respectfully requested.

Claims 1, 8-9, 11-15, 17 and 19-23 stand rejected under 35 USC 103(b) as being unpatentable over Crabtree et al. (US 2004/0039814 A1) in view of Specter et al. (U.S. 2002/0147628 A1) Applicants respectfully disagree.

Applicants respectfully submit that the pending claims are patentable for at least the following reasons. Claim 1 recites the "...determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile, recommending a number of preference content items associated with the temporary user preference profile, determining user preference values of the recommended content items, wherein the number of recommended content items depends on the determined user preference values; and depending on the determined user preference values, modifying the user preference profile to reflect the temporary user preference profile." Independent claims 17 and 24 recite similar limitations.

Neither Crabtree nor Specter, alone or in combination, teaches these limitations. The Office Action points to paragraphs 77-85 and 87 of Crabtree indicating that it discloses "determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile, recommending a number of

preference content items associated with the temporary user preference profile, recommending a number of preference content items associated with the temporary user preference profile." Applicants respectfully disagree. In this section Crabtree teaches a method to update an existing profile with a new interest 11. Thus Crabtree does not teach "a temporary user preference profile in response to the content item interest not corresponding to the user preference profile" as claimed in claim 1, but rather a profile update method.

As indicated by the Office Crabtree fails to teach determining user preference values. The addition of Specter fails to cure the limitations of Crabtree. The Office Action points to paragraph 40 of Specter to teach the limitation of "modifying the user preference profile to reflect the temporary user preference profile." Applicants respectfully disagree. Neither, Crabtree or Specter teaches the use of a temporary user preference profile, but instead teach an update method to modify an original user profile.

It is respectfully submitted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met;

> 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;
>
> 2. there must be a reasonable expectation of success; and
>
> 3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on

applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Having shown that Crabtree or Specter fail to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of method claim 1 has been overcome and can no longer be sustained. Applicants respectfully submit that independent claim 17 and 24 are allowable for at least the same reasons as independent claim 1. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 17 and 24.

Claims 24-26 stand rejected under 35 USC 103(a) as being unpatentable over Crabtree et al. (US 2004/0039814 A1) in view of Hane (U.S. 2004/0083490 A1). Claim 18 stands rejected under 35 USC 103(a) as being unpatentable over Crabtree et al. in view of Specter and in further view of Huper-Graff et al. (U.S. 2004/0044677 A1).

With regard to the dependent claims 8, 9, 11-15, 18-23 and 25-26 these claims ultimately depend from one of the independent claims 1, 17 or 24, which have been shown to be allowable in view of the cited references. Accordingly, claims 8, 9, 11-15, 18-23 and 25-26 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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